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TESTIMONY IN SUPPORT WITH AMENDMENTS OF SENATE BILL 57

January 26, 2021

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The House of Ruth is a non-profit organization providing shelter, counseling, and legal services to victims of domestic violence throughout the State of Maryland. The House of Ruth Domestic Violence Legal Clinic has offices in Baltimore City and Baltimore, Prince George's and Montgomery Counties. Senate Bill 57 amends current family law to require courts to make certain findings on the record if it is going to order custody or visitation in a case where a child has been abused and articulates the factors the court must consider in making a custody determination. **We urge the Senate Judicial Proceedings Committee to amend and report favorably report on Senate Bill 57.**

SB 57 would codify, in Section 9-109, the factors that courts must consider when making decisions about how to allocate custody and visitation. Currently, determinations regarding children are made based on factors set forth in several Maryland appellate cases. While attorneys are able to read these appellate decisions and determine how the factors apply to the facts of a particular case, most unrepresented litigants would have difficulty finding the right cases and analyzing them appropriately. Thus, unrepresented litigants are disadvantaged in their ability to present the testimony and evidence a court needs to render a decision. Codifying the factors in a single statute makes this information accessible to everyone.

Several years ago, the legislature established the Commission on Child Custody Decision Making. The Commission studied many custody, visitation and access issues. The Commission ultimately drafted a proposed custody statute to both codify existing case law and suggest changes in how we handle these cases. We respectfully suggest the bill be amended to use the factors and language reflected in that Commission's report. The Commission premised its work on the notion that neither parent is presumed to have any right to legal decision making or parenting time that is superior to the right of the other parent, and emphasizes that judges are to focus on the needs of an individual child and the parents' respective abilities to meet those needs.

The House of Ruth urges the Senate Judicial Proceedings Committee to amend and report favorably on Senate Bill 57.